

Remarks

The Office Action of September 26, 2006 and cited prior art references were reviewed with care in preparing for this amendment and response.

After the above amendments, claims 77-84 and 86-88 remain pending in the application and claim 91 is newly added. Claims 85, 89 and 90 are now cancelled without prejudice. Therefore, claims 77-84, 86-88 and 91 are pending in the application. This amendment is fully supported by the specification to the application and does not include any new matter. Reconsideration and allowance of all claims are respectfully requested in view of the following remarks.

Claims 77-82, 84 and 86-89 were rejected under 35 USC 103(a) as unpatentable over Johnson in view of DePoe and further in view of Yen. Independent claims 77 and 86 have been amended to further distinguish over the prior art; therefore, claims 77-82, 84 and 86-88 are in condition for allowance, as further set forth below. These claims are patentably distinguishable over the prior art.

The Johnson fishing net has a light assembly that is extremely long and dominates the entire handle. It includes a lamp (14) disposed in one end of the handle and a switch (25) at the far opposite end of the handle, and includes much in-between. More specifically, it “includes ... a source of power, such as a battery, and suitable connections extending from switch 25 to light 14 to provide means for energizing the light from the source of power.” Essentially, the entire handle of the Johnson device is an element of the light assembly. Johnson does not disclose an illuminator that is separate from, but at one end of, a handle. More specifically, Johnson does not disclose an LED illuminator with respect to which “all of the illuminator [is] disposed in the distal end of the handle and remote from the opposite end of the handle.” This difference is critical in applicants’ invention and to its viability as a commercial product.

DePoe does not show an illuminator operationally independent from the handle either. In fact, DePoe does not disclose any type of illuminator, and so is not pertinent. Instead, DePoe has a depth sensor at the farthest portion of the net loop to be fully submerged into the water and not visible. Such depth sensor sounds an alarm on a proximal end of the handle when the water depth exceeds a threshold level safe for the fisherman wading waist deep in water. Also, unlike

applicants' invention as set forth in the amended claims, it is essential for DePoe to have a power switch located at an end of the handle opposite to the hoop.

In applicants' claimed invention, the LED illuminator and the handle are entirely separate things, and there is nothing about the handle that it part of or serves any illuminating function, even including switching. This structural characteristic facilitates a fully operational telescoping handle which is an essential part of a fully collapsible (and, therefore, readily portable) fish-landing net of the popular modern sort.

Claim 77 further requires that both LED and a battery be disposed within a same inner recess of the light body providing electric connections between the LED and the battery inside of the light body. Yen does not show or disclose the LED and the battery being within the same inner recess of the light body. In the Yen flashlight the LED and the batteries are in separate portions – i.e., the LED is in housing (24) and the batteries are in casing (26). The housing and the casing are designed to be completely separable for the battery changing purpose which makes such separation functionally necessary.

Therefore, Johnson, DePoe and Yen, either alone or in combination, fail to disclose or render obvious the fish landing net set forth in amended claim 77.

Likewise, in amended independent claim 86 the LED illuminator and the handle are entirely separate things. Thus neither of prior art references cited alone nor in combination disclose a fish landing net set forth in claim 86.

In addition, claim 86 as amended requires that the LED be within the light body and that the lens cap be rotatably attached to the light body for on/off switching of electric power to the LED. Such combination is neither shown nor disclosed in Yen. In Yen both the LED and the lens are parts of the housing. Thus, the Yen design may not provide on/off switching of electric power to LED by rotating the lens because the power supply is in a separate casing not connected to the lens. Moreover, in the Yen the on/off switching is performed by switch (27) at the casing end opposite to the housing.

Therefore, the Yen reference fails to disclose, and in fact teaches away from, a rotary switch lens cap rotatably attached to the light body with the LED secured within the light body.

Claim 83 was rejected under 35 USC 103(a) as unpatentable over Johnson in view of DePoe, further in view of Yen and further in view of Brundage. This rejection is respectfully

traversed in view of the amendment of independent claim 77, upon which this claim depends and in view of the above arguments. Neither Johnson, DePoe nor Yen show or disclose a fish-landing net with an illuminator being completely independent from the handle and having both the LED and the electric power supply withing the same recess of the light body. Brundage does not have any kind of illuminator, thus does not disclose the patentable aspects of claim 77. Therefore, claim 83 is in condition for allowance in view of the discussion above.

Claims 85 and 90 were rejected under 35 USC 103(a) as unpatentable over Johnson in view of DePoe, further in view of Yen and further in view of Blaschke. These claims have been cancelled without prejudice.

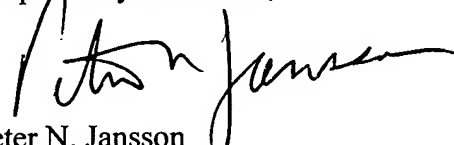
Claim 91 is a somewhat broader new claim that incorporates each of the critical patentable structural limitations of claim 77. Thus, for the reasons set forth above with respect to claim 77, claim 91 is patentably distinguishable over the prior art and is in condition for allowance.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and are hereby requested. The Examiner is invited to call the undersigned attorney to resolve any issues that might remain.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to Deposit Account No. 10-0270.

Date: 26 January 2007

Respectfully submitted,


Peter N. Jansson
Registration No. 26,185

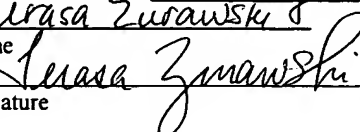
Jansson Shupe & Munger, Ltd.
245 Main Street
Racine, WI 53403
Telephone: (262) 632-6900
Facsimile: (262) 632-2257

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: MAIL STOP Amendment
COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA,
VA 22313-1450 on January 26, 2007

Name

Signature

Terasa Zurawski

Date 1/26/07